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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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ROBERT ALLEN, et al.,)
Plaintiffs,))) 2:10-cv-00827-JCM-LRL
v.) O R D E R
REPUBLIC SILVER STATE DISPOSAL, INC.,) ORDER)
Defendant.)) _)

Before the court is plaintiffs' Emergency Motion to Compel Discovery or in the Alternative, Motion to Continue ENE Conference (#16, filed November 10, 2010). The court has considered the motion and defendant's Response (#19, filed November 12, 2010).

Without conferring in advance with defense counsel regarding counsel's availability and the availability of the prospective deponents, plaintiffs' counsel unilaterally noticed two depositions for November 18 and 19, 2010, dates on which defense counsel will be unavailable. Wishing to complete the depositions prior to the ENE currently scheduled before Judge Johnston on November 22, 2010, plaintiffs seek an order requiring the depositions to go forward as originally and unilaterally scheduled, irrespective of defense counsel's unavailability. Plaintiffs' counsel could have avoided this problem had she extended defense counsel the professional courtesy of discussing the scheduling of depositions before she served the notices of deposition. The court will not require defense counsel to attend depositions for which she is unavailable.

IT IS THEREFORE ORDERED that to the extent that plaintiff's Emergency Motion (#16) seeks an order requiring the depositions to go forward on November 18 and 19, 2010, it is denied.

Whether the ENE should be continued will be decided by Judge Johnston. DATED this 15th day of November, 2010. Mewit **LAWRENCE R. LEAVITT** UNITED STATES MAGISTRATE JUDGE